

**Notice of Allowability**

Application No.

09/802,974

Examiner

Russell Frejd

Applicant(s)

HAGIWARA ET AL.

Art Unit

2128

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's Appeal Brief received 14 July 2005.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Russell Frejd*  
**RUSSELL FREJD**  
**PRIMARY EXAMINER**

In re Application of: Hagiwara et al.

***Allowance of Application # 09/802,974***

1. The following communication is in response to applicant's Appeal Brief received 14-July-2005.

***Examiner's Comments***

2. The current examiner of record, respectfully presents the following remarks after carefully reviewing the record:
  - The amendment to Figure 3, on 21-September-2004, wherein the label "Prior Art" was incorporated into the drawing, is approved by the examiner;
  - The double patenting rejection of the office action dated 25-June-2004, was apparently rescinded as of a consultation the previous examiner conducted on 7-January-2005, and remains as such.
  - Claims 5-8 have been indicated as being allowable from the first office action dated 25-June-2004, and remain as such.

***Reasons for Allowance***

3. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter. The instant application is directed to a non-obvious improvement over the information described in the related prior art, specifically the article authored by Hong et al., entitled *Object-Oriented Modeling for Gasoline Engine and Automatic Transmission Systems*. The improvement comprises a simulator having computer-aided design programs for verifying an algorithm of a shift controller of an automatic transmission mounted on a vehicle having a

In re Application of: Hagiwara et al.

change-speed system and associated hydraulic actuators to transmit power generated by a internal combustion engine to drive wheels based on at least throttle opening and vehicle speed in accordance with the algorithm. The present invention provides: 1) a first calculating means for calculating outputs that describe the behaviors of an engine, a transmission, and a body of a vehicle at a first, or the same, calculation cycle; 2) a second calculating means for inputting at least some of the calculated outputs from the first calculating means, and for calculating an output describing non-linear behavior at a second calculation cycle; and 3) wherein the second calculation cycle is shorter than the first calculation cycle. This patentable distinction is included in independent claim no. 1.

After reviewing the discussion pertaining to the previous examiner's arguments/non-arguments for rejection, and applicant's remarks in rebuttal, the present examiner cannot sustain the previously presented inherency rejections based on the current prior art of record. For at least this reason, the examiner posits that the art of record, either individually or in combination, fails to teach, suggest, or render obvious the useful, concrete and tangible <verification of an algorithm of a shift controller of an automatic transmission mounted on a vehicle> having the corresponding structure which is disclosed in the specification and equivalents thereof at least at page 4 line 24 through page 19, line 23, and Figures 1-19c. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

### ***Response Guidelines***

4. Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

In re Application of: Hagiwara et al.

**4.1 Any response to the Examiner in regard to this allowance should be**

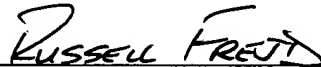
**directed to:** Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Jean Homere, telephone number (571) 272-3780. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

**mailed to:** Commissioner of Patents and Trademarks  
P.O. Box 1450, Alexandria, VA 22313-1450

**or faxed to:** (571) 273-8300

*Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.*

**Date:** 30-September-2005



**RUSSELL FREJD  
PRIMARY EXAMINER**